

REMARKS

Upon entry of the present Amendment claims 1, 3, 4, 6-8, 13, 15 and 17-20 have been amended, claims 2, 5, 9-12, 14 and 16 have been canceled, claims 21-28 have been added, and claims 1, 3, 4, 6-8, 13, 15 and 17-28 are pending.

Oath/Declaration

Applicants will provide a certified copy of the priority document along with a Supplemental Oath.

Rejections of Claims 2 and 13 under 35 USC 112

The objections to claims 2 and 13 have been obviated as those claims have been canceled.

Rejections of Claims under 35 USC 102

None of the cited references describe a method for treating or preventing specific bacterial infections in animals as claimed.

GB 2287867: The '867 reference does not describe or suggest a method for treating or preventing a bacterial infection in an animal as claimed. More specifically, the '867 reference makes no suggestion that feeding an animal xylanase (claim 1) or cellulase (claim 21) would be effective for treating or preventing infections caused by *Salmonella*, *Campylobacter* and *Clostridium perfringens*. The '867 reference merely describes the use of enzymes for as a food additive to assist the animal in the digestion of proteins.

U.S. Patent No. 5,612,055: The '055 patent is directed to an enzyme feed additive and does not describe or suggest a method for preventing infections caused by *Salmonella*, *Campylobacter* and *Clostridium perfringens* in animals as claimed.

U.S. Patent No. 5,902,581: The '581 patent describes xylanase enzymes for use in the bleaching of pulp for paper production and for use in feed compositions and does not describe or suggest a method for treating or preventing bacterial infections in animals as claimed. The '581 patent provides no teaching whatsoever that an industrial type xylanase enzyme has any utility for treating bacterial infections.

Rejection of claims under 35 USC 103

A method for treating or preventing specific types of bacterial infections in animals using xylanase or cellulase as claimed is not described or suggested in any of the cited references either alone or in combination.

GB '867 in view of US '055: The combination of GB '867 and the '055 patent does not describe or suggest a method for treating or preventing bacterial infections as claimed. The cited references describe the addition of enzymes to feed but make no suggestion of a method for treating or preventing the claimed bacterial infections. One of ordinary skill would have not reasonable expectation from these references that addition of xylanase or cellulase to a feed would be an effective treatment or preventative for these specific bacterial infections.

U.S. '581 in view of US '055: The combination of the '581 patent and '055 patent describes enzymes for treating food or for use as a food additive but does not describe or suggest a method for treating or preventing bacterial infections caused by certain bacteria as claimed. The combination of these references would not teach one of ordinary skill that xylanase or cellulase additions to feeds would be effective to prevent or treat bacterial infections and would require that one of

ordinary skill undertake undue experimentation to determine if these enzyme additions to feed would work with the specific bacteria as claimed.

U.S. '500 in view of GB '867: The '500 patent and GB '867 reference describe the use of enzymes as a feed additive, but make no mention of the use of these enzymes in a method for treating bacterial infections caused by specific bacteria as claimed. The combination of these references would not teach or suggest that enzyme addition to a feed would be effective for treating bacterial infections in animals.

Conclusion

In view of the amendments and remarks made herein, Applicants respectfully request allowance of the pending claims.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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